IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 8487 of 2007(S)

AGAINST THE ORDER IN I.A. 228/2006 IN
MC.208/2001 of FAMILY COURT,TRIVANDRUM

.....

PETITIONER:

IDES, AGED 42 YEARS, S/O.ENOSE,
THADATHARIKATHU VEEDU, KUZHIYAKONAM,
KUTTICHAL P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.P.V.ANIL

RESPONDENT:

R.KUMARI,
THADATHARIKATHU VEEDU, KARIYOTTICHIRA, KUTTICHAL,
THIRUVANANTHAPURAM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & K.T. SANKARAN, JJ.

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W.P.(C) No. 8487 OF 2007

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Dated this the 14th March, 2007

J U D G M E N T

Kurian Joseph, J:

Writ Petition is filed challenging the order in I.A.No. 228 of 2006 in M.C. 208 of 2001 on the file of the Family Court , Thiruvananthapuram . By the impugned order, the court below had imposed a condition for setting aside the ex parte order passed against the petitioner; he was directed to deposit 50% of the amount of maintenance already directed to be paid to the respondent.

2. The contention of the petitioner is that he is not liable to pay maintenance to the respondent. That is a matter to be decided in the M.C. pending before the Family Court . It is further contended that the condition imposed by the court below is illegal. It is seen that the said condition is rightly imposed in the background of the conduct of the petitioner in not paying maintenance to the child. Since the direction is to pay or deposit

maintenance, it will be open to the petitioner to pay or deposit the amount and seek for expeditious disposal of the main matter. Since the time granted to pay or deposit the amount has already expired, we make it clear that it will be open to the petitioner either to pay or deposit the amount within a period of two weeks from today. Subject to the above clarification, the Writ Petition is dismissed.

KURIAN JOSEPH,
JUDGE.

K.T. SANKARAN,
JUDGE.

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